

April 16, 1975

PRESIDENT: Could we have some order on the floor, please?

SENATOR CHAMBERS: ...one could get 50 years and one could get 1 year. I do think this is a serious offence but I think you can reach a point of diminishing returns on punishment. 15 year is less than the amount of time some people will serve if they are given a life sentence for taking a human life. So I see this as a terrible crime that we are dealing with but the penalty imposed should not be on the same footing as the type of crime we are trying to correct. Therefore, I think a spread of 1 to 50 years is too broad and it allows for the use of judicial discretion so I am suggesting...I am moving that the word 50 in line 17 be stricken and 15 be substituted. I am not trying to divide these two amendments so I am going to take them both together. If somebody else wants to divide them, they can. But Section 6 imposes the death penalty. Oh, 6 has been struck already?

PRESIDENT: The Clerk advises that.

SENATOR BARNETT: If you will let me explain. Section 6 was on the revised copy after we adopted the Committee amendments and my amendments, so it is not this 6. He is making the right proposal with the adopted Committee and my amendments.

PRESIDENT: So this is a new section 6 that is still in the bill.

SENATOR BARNETT: Well, yes, he has got the wrong copy of the bill.

SENATOR CHAMBERS: Oh, I have. What number would that section be, as it stands now?

SENATOR BARNETT: Shirley has got my copy and I can't tell you.

SENATOR CHAMBERS: Well, would it be appropriate to identify what the section deals with? Then we can get the number. The section that I am dealing with amends Section 28-401 dealing with the death penalty and it includes sexual assault in the first degree along with arson, robbery, kidnapping, hijacking, burglary, administering poison and other things as a just cause for the administration of the death penalty. Has that section been stricken?

SENATOR BARNETT: Mr. President, I put in loose copies in the books on Section 23 and I can't find one in any of them. I don't know whether the bill people have taken them out of the books or what?

SENATOR CHAMBERS: Mine was attached.

SENATOR BARNETT: No, this was the white copy that had my initials at the top and it stated that this was the way the bill was drafted after the Committee amendments and my amendments were adopted and I can't find it in two or three books at this time. I would like just a few minutes, if you want to skip over it, to get you the right..